

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 2, 49 and 50 are currently under consideration. Claims 3-7 have been cancelled. Claims 8-48 are withdrawn from consideration. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

WITHDRAWN CLAIMS

Applicants note that the Office Action Summary indicates that claim 8-34 are withdrawn from consideration. Applicants believe that the correct notation should be that claims 8-48 are withdrawn from consideration.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 103 as being obvious over Nagasawa (JP 07-201130) in view of Tanaka (U.S. Patent 4,982,390). This rejection is respectfully traversed.

Since claims 3 and 4 have been cancelled, this part of the rejection is rendered moot.

The Examiner states that Nagasawa shows a continuous recording system including a tape drive 23, a fixed disk unit 19, a controller which controls operation so that the data is input to the tape drive and is recorded on the tape of said tape drive, the input of the data is changed when the tape is replaced with a new tape and the recorder on the fixed disk is transferred to the new tape. The Examiner admits that Nagasawa fails to teach use of an optical disk. The Examiner relies on Tanaka to teach an apparatus using an optical disk drive. The Examiner feels it would have been obvious to use the optical disk drive Tanaka in the Nagasawa device.

Applicants submit that the presently claimed invention is not obvious over this combination of references. Claim 1 has now been amended extensively to refer to the subject matter disclosed between pages 89 and 102 under the heading V-1 recording in which time-series property of data does not completely correspond to increase of addresses on page 89 and under the section heading V-2 recording in which time-series property of data completely corresponds to increase of addresses on page 94. Applicants submit that the invention as

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presently claimed and as disclosed in those sections differs from teachings of Nagasawa and Tanaka. In particular, Nagasawa teaches a continuous recording system having a magnetic tape and a disk medium and Tanaka teaches a disk memory and a tape memory.

Claim 1 includes an optical disk drive having an optical disk and a fixed disk unit having a fixed disk. The controller transfers data recorded on the fixed disk to the optical disk and records data in the memory onto either the optical disk or the fixed disk at the same time. Applicants submit that this arrangement is not taught by either Nagasawa or Tanaka and accordingly, claim 1 is not obvious over the combination of references.

Claims 2 and 5 stand rejected under 35 U.S.C. § 103 as being obvious over Nagasawa in view of Tanaka and further in view of Nishimura (EP 0698881). This rejection is respectfully traversed.

First, Applicants note that claim 5 has been cancelled rendering this part of the rejection moot.

The Examiner relies on Nishimura to teach a magnetoptical disk of phase transition for storing data. The Examiner feels that it would have been obvious to modify the two original references by using the magnetoptical disk as an alternative to the optical disk of Nagasawa/Tanaka. Applicants submit that even if Nishimura does show this feature, it still does not aid the other 2 references in overcoming their deficiencies noted above. Accordingly, Applicants submit that claim 2, as well as claim 1 from which it depends are allowable over this 3 way combination of references.

Claim 6 stands rejected under 35 U.S.C. § 103 as being obvious over Nagasawa in view of Tanaka and further in view of Ono et al. (U.S. Patent 6,314,137). Claim 7 stands rejected under 35 U.S.C. § 103 as being obvious over Nagasawa in view of Tanaka and Ono and further in view of Nishimura (EP 0698881). These rejections are respectfully traversed. Since both of these claims have been cancelled, these rejections have been rendered moot.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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